

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

STATE OF ALABAMA;  
STATE OF FLORIDA;  
STATE OF GEORGIA,

*Plaintiffs,*

v.

Case No. 4:22-cv-418-CLM

ALEJANDRO MAYORKAS, *et al.*,

*Defendants.*

\_\_\_\_\_ /

**JOINT MOTION TO STAY ALL DEADLINES PENDING  
THE SUPREME COURT'S DECISION IN *UNITED STATES V. TEXAS***

The parties jointly move to stay all current deadlines in this case pending resolution of an application for a stay currently pending before the U.S. Supreme Court. *See* Appl. Stay, *United States v. Texas*, No. 22A17 (U.S. Jul. 8, 2022). As grounds, the parties state as follows:

1. On June 21, 2022, Defendants filed a motion to dismiss Plaintiffs' complaint. *See* Doc. 9. On June 29, 2022, Plaintiffs moved for a two-week extension of time to respond to Defendants' motion, which the Court granted. *See* Docs. 12 & 13. Currently, the deadline for Plaintiffs' response to Defendants' motion is July 21, 2022, with Defendants' reply due July 28, 2022. Doc. 13. The parties' deadline to complete the planning conference is currently July 21, 2022.

2. As outlined in Plaintiffs’ motion for extension of time, Doc. 12 ¶ 2, the Southern District of Texas recently vacated the immigration policies challenged by Plaintiffs in this case. That vacatur applies nationwide.

3. On July 6, 2022, the Fifth Circuit issued an opinion denying the government’s request for a stay of the district court’s judgment pending appeal. *See Texas v. United States*, No. 22-40367, 2022 WL 2466786 (5th Cir. July 6, 2022).

4. On July 8, 2022, the government filed an application for a stay of the judgment in the U.S. Supreme Court. *See Appl. Stay, United States v. Texas*, No. 22A17 (U.S. Jul. 8, 2022). The government noted that the Supreme Court may wish to construe the application as a petition for a writ of certiorari before judgment. Justice Alito requested a response to the application by 5 p.m., July 13, 2022.

5. The Supreme Court’s disposition of the stay application is likely to significantly impact the motion to dismiss briefing and further proceedings before this Court. Further, this Court’s resolution of the motion to dismiss will be aided if both parties are able to address the Supreme Court’s decision in their respective briefs.

6. Because the Supreme Court typically resolves stay applications expeditiously, a stay of all deadlines is unlikely to greatly delay resolution of this case. Further, a stay of all deadlines will prevent the need for supplemental briefing

on the pending motion to dismiss following the Supreme Court's decision, conserving both this Court's and the parties' resources.

Accordingly, the parties request that all deadlines be stayed pending the Supreme Court's ruling on the government's application for the stay. No later than two weeks after the Supreme Court's decision, the parties will submit a joint status report and proposal for further proceedings.

Respectfully submitted,

STEVE MARSHALL  
ATTORNEY GENERAL OF ALABAMA  
Edmund G. LaCour Jr.  
SOLICITOR GENERAL OF ALABAMA  
Office of the Alabama Attorney General  
501 Washington Avenue  
Montgomery, AL 36130-0152  
(334) 353-2196  
edmund.lacour@alabamaag.gov

*Counsel for the State of Alabama*

ASHLEY MOODY  
ATTORNEY GENERAL OF FLORIDA  
/s/ James H. Percival  
James H. Percival\*  
DEPUTY ATTORNEY GENERAL OF LEGAL POLICY  
\*pro hac vice  
Office of the Attorney General  
The Capitol, PL-01  
Tallahassee, Florida 32399-1050  
(850) 414-3300  
(850) 410-2672 (fax)  
james.percival@myfloridalegal.com

*Counsel for the State of Florida*

CHRISTOPHER M. CARR  
ATTORNEY GENERAL OF GEORGIA  
Stephen J. Petrany\*  
SOLICITOR GENERAL OF GEORGIA  
\*pro hac vice  
Georgia Department of Law  
40 Capitol Square, SW  
Atlanta, Georgia 30334  
(404) 458-3408  
spetrany@law.ga.gov

*Counsel for the State of Georgia*

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

BRIGHAM J. BOWEN  
Assistant Branch Director

/s/ Brian Rosen-Shaud  
BRIAN C. ROSEN-SHAUD  
ME Bar No. 006018  
Trial Attorney  
ADAM D. KIRSCHNER  
IL Bar. No. 6286601  
Senior Trial Counsel  
MICHAEL F. KNAPP  
CA Bar No. 314104  
KUNTAL CHOLERA  
DC Bar No. 1031523  
Trial Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
Tel: (202) 305-7667  
Fax: (202) 616-8460  
Email: Brian.C.Rosen-Shaud@usdoj.gov  
Adam.Kirschner@usdoj.gov  
Michael.F.Knapp@usdoj.gov  
Kuntal.Cholera@usdoj.gov

Mailing Address:  
Post Office Box 883

Washington, D.C. 20044

Courier Address  
1100 L Street NW  
Washington, D.C. 20005

EREZ REUVENI  
CA Bar No. 264124  
Assistant Director  
U.S. Department of Justice  
Civil Division, Office of Immigration Litigation  
P.O. Box 868, Ben Franklin Station  
Washington, D.C. 20044  
202-307-4293 (telephone)  
Email: Erez.R.Reuveni@usdoj.gov

*Counsel for Defendants*

### **CERTIFICATE OF SERVICE**

I certify that on July 13, 2022, I filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to all registered CM/ECF users.

/s/ James H. Percival

James H. Percival